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)uan<u>eMorris</u>

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## FACSIMILE TRANSMITTAL SHEET

To:

Examiner CHARLES A. MARMOR, II

FIRM/COMPANY:

Mail Stop Amendment, Group Art Unit 3736

**FACSIMILE NUMBER:** 

571 273-8300

CONFIRMATION TELEPHONE:

FROM:

Ruth Der, Paralegal

DIRECT DIAL:

415.371.2231

DATE:

October 11, 2005

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Atty Docket No. R0367-00302, US Serial No. 10/650,027

TOTAL# OF PAGES:

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MESSAGE:

Attached are Information Disclosure Statement and form PTO-

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**PATENT** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of Burbank et al.	) Examiner: Charles A. Marmor, II				
For: ELECTROSURGICAL BIOPSY DEVICE AND METHOD	) Group Art Unit: 3736 )				
Serial No.: 10/650;027	TDANOISITY				
Filed: August 27, 2003	TRANSMITTAL				
Atty. Docket No.: R0367-00302					
CERTIFICATE OF MAILING PUT  I hereby certify that this correspondence is being transmitted by facsimile to P.O. Box 1450, Alexandria, VA 22313-1450, Atta: Examiner Charles A. M.  By:	(571) 273-8300, Mail Ston Amendment, Commissioner for Patents				
Mail Stop Amendment					
Commissioner for Patents					
P.O. Box 1450					
Alexandria, VA 22313-1450					

#### Dear Sir:

- 1. Transmitted herewith for filing in the above-identified patent application are
  - X Information Disclosure Statement; and
  - \_X Form PTO-1449.
- 2. Payment of Fees
  - No fees are due with this communication. However, should the commissioner find otherwise, the Commissioner is authorized to charge the deficiency in fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302. A duplicate copy of this transmittal is enclosed for this purpose.

Respectfully submitted

Edward J. Lynch

Registration No. 24,422 Attorney for Applicants

Duane Morris LLP One Market Spear Tower, Suite 2000 San Francisco, CA 94105

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### OCT 1 1 2005

**PATENT** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	the appl Irbank et	ication of	) Examiner: Charles A. Marmor, II
For:	ELEC	TROSURGICAL BIOPSY DEVICE	) Group Art Unit: 3736
<b>^</b>		METHOD	)
Şепа	al No.: 1	0/650,027	) TRANSMITTAL
Filed	d: Augus	t 27, 2003	)
Atty.	Docket I	No.: R0367-00302	)
I here P.O.	by certify that Box 1450, Ale	CERTIFICATE OF MAYLING PU t this correspondence is being transmitted by facsimile ( exandria, VA 223)3-1450, Attn: Examiner Charles A. By:	o (571) 273-8300. Mail Ston Amendment. Commissioner for Patents
Com P.O.	missione Box 145	endment er for Patents i0 'A 22313-1450	
Dea	r Sir:		·
1.	Transm	itted herewith for filing in the above-io	dentified patent application are
	_X_	Information Disclosure Statement;	
	<u>_x</u>	Form PTO-1449.	
2.	Paymer	nt of Fees	
	<u>x</u>	find otherwise, the Commissioner is and to credit any overpayment of fe §1.16 or §1.17, to Deposit Account	cation. However, should the commissioner is authorized to charge the deficiency in fees ses which may be required under 37 C.F.R. No 04-1679, referencing <a href="https://example.com/Atty.com/Atty-Docket No.go/">Atty-Docket No.go/</a> of this transmittal is enclosed for this
		Ву:	Edward J. Lyrich Registration No. 24,422 Attorney for Applicants
	ne Morris Market	LLP	, #,

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COPY

**PATENT** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	ne application of pank et al.	) Examiner: C. A. Marmor, II ) Group Art Unit: 3736
For: ELECTROSURGICAL BIOPSY DEVICE AN METHOD		
Serial	No.: 10/650,027	) )
Filed:	August 27, 2003	) <u>Statement</u>
Atty F	10cket No - P0367-00303	

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the reference listed on the attached PTO-1449 form and request that they be considered by the Examiner. The majority of the references listed on the attached were cited by or submitted to the Patent Office in copending prior U.S. applications Serial No. 09/159,467, filed September 23, 1998 and Serial No. 09/819,195, filed March 27, 2001.

This information disclosure statement is being filed under 37 C.F.R. §1.97(b)(4); therefore no fees are due with this communication. However, should the Commissioner find otherwise, the Commissioner is authorized to charge the deficiency of fees due and to credit any overpayment under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-00302.

Respectfully submitted,

By: ) (/ W/dr/)
Edward J. Lyngh

Registration No. 24,422 Attorney for Applicants

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OCT 1 1 2005

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IN THE	UNITED ST	TATES PATENT AND	TRADEMARK OFFIC	E ATTORNEY DOCKET NO.:	SERIAL NO.:	
INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98			R0367-00302	10/6	10/650,027	
			APPLICANTS:	EXAMINER:		
		PTO-1449 FORM	1	Burbank et al.		larmor, II
				FILING DATE:	GROUP ART UNIT	:
		SHEET 1 OF	3 	August 27, 2003	3	736
			U.S. PATI	ENT DOCUMENTS	· · · ·	
† EXTR INITIAL	*REF.#	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	*A1	34,056	9//92	Lindgren et al.		(ii appropriato)
	*A2	2,032,860	3/36	F.C. Wappler et al.	-	<del>                                     </del>
	*A3	3,805,791	4/74	Seuberth et al.		<del></del>
	A4	3,844,272	10/74	Banko		
	*A5	3,955,578	5/76	Chamness et al.		
	*A6	4,202,338	5/80	Bitroff		
	*A7	4,243,048	181	Griffin	<del>                                     </del>	
	*A8	4,294,254	10/81	Chamness		
	*A9	4,311,143	1/82	Komiya		
	*A10	4,362,160	12/82	Hiltebrandt		<del></del>
	*A11	4,503,855	3/85	Maslanka	-	
	*A12	4,565,200	1/86	Cosman		<del></del>
	*A13	4,576,162	3/86	McCorkle		<del> </del>
<del></del>	*A14	4,638,802	1/87	Okada		
	*A15	4,718,419	1/88	Okada	· · · · ·	<u> </u>
	*A16	4,724,836	2/88	Okada		
	*A17	5,007,908	4/91	Rydell		
	*A18	5,024,617	6/91	Kamiel		<del>                                     </del>
`	*A19	5,035,696	7/91	Rydell		
	*A20	5,047,027	9/91	rydell		
	*A21	5,064,424	11/91	Bitrolf		
	*A22	5,066,295	11/91	Kozak et al.		
	*A23	5,078,716	1/92	Doll	<del></del>	-
	*A24	5,080,660	1/92	Buelna	<del></del>	
•	*A25	5,133,359	7/92	Kedem	<del></del>	
	*A26	5,158,561	10/92	Rydell et al.		
•	*A27	5,163,938	11/92	Kambara et al.		
	*A28	5,196,007	3/93	Eliman et al.		
	*A29	5,201,732	4/93	Parins et al.	·   ·	
	*A30	5,201,741	4/93	Dulebohn	_	
	*A31	5,207,686	5/93	Dolgin		
	*A32	5,224,488	7/93	Neuffer	<del> </del>	
	*A33	5,281,218	1/94	Imran		
	*A34	5,312,400	5/94	Bales et al.		
	*A35	5,318,564	6/94	Eggers		
	*A36	5,323,768	6/94	Saito et al.		
	*A37	5,324,288	6/94	Billings et al.		
	*A38	5,335,671	8/94	Clement		
	*A39	5,344,420	9/94	Hilal et al.		
	*A40	5,376,094	12/94	Kline		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.  INFORMATION DISCLOSURE STATEMENT  UNDER 37 CFR §1.56, §1.97, and §1.98  PTO-1449 FORM			ATTORNEY DOCKET NO.: R0367-00302	SERIAL NO.: 10/650,027  EXAMINER:		
			APPLICANTS:			
			Burbank et al.	C. A. Marmor, II		
			FILING DATE:	GROUP ART UNIT:		
		SHEET 2 OF	3	August 27, 2003	3736	
	· · · · · · · · · · · · · · · · · · ·		U.S. PATENT DO	OCUMENTS CONT'D	<u> </u>	
†EX'R INITIAL	"REF.#	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	*A41	5,380,321	1/95	Yoon		
	*A42	5,395,312	3/95	Desai		
	*A43	5,415,656	5/95	Tihon et al.		
	*A44	5,417,687	5/95			
	*A45	5,417,697	5/95	Wilk et al.		
	*A46	5,423,809	6/95	Klicek		
	*A47	5,423,814	6/95	Zhu et al.		
	*A48	5,431,649	7/95	Mulier et al.		
	*A49	5,437,665	8/95	Munro		
	*A50	5,441,503	8/95	Considine et al.		
	*A51	5,462,553	10/95	Dolgin		
	*A52	5,470,308	11/95	Edwards et al.		
	*A53	5,484,436	1/96	Eggers et al.		<u> </u>
	*A54	5,501,654	3/96	Failla et al.		
	*A55	5,526,822	6/96	Burbank et al.		
	*A56	5,542,948	8/96	Weaver et al.		
	*A57	5,611,803	3/97	Heaven et al.		
	*A58	5,643,282	7/97	Kieturakis		
	*A59	5,649,547	7/97	Ritchart et al.		
	*A60	5,665,085	9/97	Nardella		
	*A61	5,674,184	10/97	Hassler, Jr.		
	*A62	5,687,739	11/97	McPherson et al.		<u> </u>
	*A63	5,715,825	2/98	Cowley		<b> </b>
	*A64	5,741,225	4/98	Lax et al.		ļ
	*A65	5,769,086	6/98	Richart et al.		<del>                                     </del>
	*A66	5,782,775	7/98	Milliman et al.		<del> </del>
	*A67	5,794,626	8/98	Kieturakis		<u> </u>
	*A68 *A69	5,797,907 5,902,272	8/98	Clement		<del>                                     </del>
	*A70	5,902,272 5,906,640	5/99 7/99	Eggers et al. Hofmann et al.		<del>                                     </del>
	*A70	5,947,964	9/99	Eggers et al.		<del>}</del>
	A71	6,514,248	2/03	Eggers et al.	<del></del>	<del> </del>
	A72	6,689,145	2/04	Lee et al.		<del> </del>
	7/3	0,003,140	204	Lee et al.		<del> </del>
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#B1 0472368A2 8/91 EPO  *B2 WO 93 13718 7/93 PCT  *B3 PCT/GB94/01536 7/94 PCT  *B4 95/02371 1/95 PCT  *B5 EP 0 667 126 A1 8/95 EPO  *B6 DE 19528440A1 8/95 GERMANY  *B7 GB2311468A 2/97 GREAT BRITAIN  *B8 WO 98/08441 3/98 PCT  *B9 WO 00 16697 3/00 PCT  *C1 Sterotactic Breast Biopsy: Its History, Its Present , and Its Future, F. Burbank, M.D., The American Surgeon, February 1996, Vol. 62, pp. 128-150.  *C2 Percutaneous Biopsy Techniques, Timothy J. Micklos, Manual of Oncologic Therapeutics, (1989/1996) PC3  *C3 Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitman et al., AJR:171, July 1998, pp. 67-70  Armstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelantins [see comments]", Journal of Clinical Pathology, (1990 July), 43(7) 604-7, XP0009714 abstract; tables 182.  *The Loop Electrode: a New Device for US-Guided Interstitial Tissue Ablation Using Radio Frequency	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				E	ATTORNEY DOCKET NO.:	SERIAL NO.:		
APPLICANTS: Burbank et al.  SHEET 3 OF 3  POREIGN PATENT DOCUMENTS  FOREIGN PATENT DOCUMENTS  OTHER DOCUMENTS  OTHER DOCUMENTS  FEXTR FOREIGN PATENT PROFILE			R0367-00302	10/650,027					
SHEET 3 OF 3  FOREIGN PATENT DOCUMENTS  FOREIGN PATENT DOCUMENT PATENT DOCUMENT D				APPLICANTS:					
FOREIGN PATENT DOCUMENTS  FOREIGN PATENT DOCUMENTS  **REF. # PATENT NUMBER DATE (MOYTR) COUNTRY (YESNO)  **B1 047236842 8/91 EPO  **B2 WO 93 13718 7/93 PCT  **B3 PCT/GB94/01536 7/94 PCT  **B5 EP 0 667 126 A1 8/95 PCT  **B6 DE 19528440A1 8/95 GERMANY  **B7 GB2311488A 2/97 GREAT BRITAIN  **B8 WO 98/08441 3/98 PCT  **B9 WO 00 16697 3/00 PCT  **C1 Sterotactic Breast Biopsy: Its History, Its Present , and Its Future, F. Burbank, M.D., The American Surgeon, February 1996, Vol. 62, pp. 128-150.  **C2 Percutaneous Biopsy Techniques, Timothy J. Micklos, Manual of Oncologic Therapeutics, (1989/199) pp. 39-42.  **C3 Coadal Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitmen et al., AJR:171, July 1998, pp. 67-70  **C4 Armstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelaritins [see comments]", Journal of Clinical Pathology, (1990 July), 43(7) 604-7, XP0009714 abstract, tables 182.  **C5 Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through station if not in conformance and not considered.			PTO-1449 FORM	l		Burbank et al.	C. A.	Marmor, II	
FOREIGN PATENT DOCUMENTS  FOREIGN PATENT DOCUMENTS  FEXTR TREF. PATENT NUMBER DATE (MOYTR) COUNTRY TRANSLATIO (YES/NO)  181 047236842 8/91 EPO 182 WO 93 13718 7/93 PCT 183 PCT7/8B94/01536 7/94 PCT 184 95/02371 1/95 PCT 185 EP 0 667 126 A1 8/95 EPO 186 DE 19528440A1 8/95 GERMANY 187 GB2311468A 2/97 GREAT BRITAIN 188 WO 98/08441 3/98 PCT 189 WO 00 16697 3/00 PCT  COTHER DOCUMENTS  TEXTR TREF. DOCUMENTS  TOTHER DOCUMENTS  TOTHER DOCUMENTS  1 **C1 Sterotactic Breast Biopsy: Its History, Its Present , and Its Future, F. Burbank, M.D., The American Surgeon, February 1996, Vol. 62, pp. 128-150.  **C2 Percutaneous Biopsy Techniques, Timothy J. Micklos, Manual of Oncologic Therapeutics, (1989/199) pp. 39-42.  **C3 Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitman et al., AJR:171, July 1998, pp. 67-70  **C4 Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitman et al., AJR:171, July 1998, pp. 67-70  **C5 The Loop Electrode: a New Device for US-Guided Interstitial Tissue Ablation Using Radio Frequency Electrosurgery — An Animal Study*, 1996 Blackwell Science Ltd., Min Incas Ther & Allied Technol pp. 5, 516.  GNATURE  Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through obtation if not in conformance and not considered.				_		FILING DATE:	GROUP ART U	NIT:	
TRANSLATIO (YES/NO)  *B1 0472368A2 8/91 EPO  *B2 WO 93 13718 7/93 PCT  *B3 PCT/GB84/01536 7/94 PCT  *B4 95/02371 1/95 PCT  *B5 EP 0 667 126 A1 8/95 EPO  *B6 DE 19528440A1 8/95 GERMANY  *B7 GB2311468A 2/97 GREAT BRITAIN  *B8 WO 98/08441 3/98 PCT  *B9 WO 00 16697 3/00 PCT  *C1 Sterotactic Breast Biopsy: Its History, Its Present , and Its Future, F. Burbank, M.D., The American Surgeon, February 1996, Vol. 62, pp. 128-150.  *C2 Percutaneous Biopsy Techniques, Timothy J. Micklos, Manual of Oncologic Therapeutics, (1989/199) pp. 39-42.  *C3 Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitman et al., AJR: 71, July 1998, pp. 67-70  Amstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelantins [see comments]". Journal of Clinical Pathology. (1990 July), 43(7) 604-7, XP0009714 abstract, tables 182.  *C5 Intitle If reference is considered, whether or not citation is in conformance with MPEP 609, Line through distion if not in conformance and not considered.	•		SHEET 3 OF	3 		August 27, 2003		3736	
PATENT NOMBER   DATE (MO/TR)   COUNTRY   CYESNO		_		FOREIGN PA	\TE	ENT DOCUMENTS			
#82 WO 93 13718 7/93 PCT  #83 PCT/GB94/01536 7/94 PCT  #84 95/02371 1/95 PCT  #85 EP 0 667 126 A1 8/95 EPO  #86 DE 19528440A1 8/95 GERMANY  #87 GB2311488A 2/97 GREAT BRITAIN  #88 WO 98/08441 3/98 PCT  #89 WO 00 16697 3/00 PCT  *C1 Sterotactic Breast Biopsy: Its History, Its Present , and Its Future, F. Burbank, M.D., The American Surgeon, February 1996, Vol. 62, pp. 128-150.  *C2 Percutaneous Biopsy Techniques, Timothy J. Micklos, Manual of Oncologic Therapeutics, (1989/199) pp. 39-42.  *C3 Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitman et al., AJR:171, July 1998, pp. 67-70  Armstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelantins [see comments]". Journal of Clinical Pathology. (1990 July), 43(7) 604-7, XP0009714 abstract, tables 182.  *The Loop Electrode: a New Device for US-Guided Interstitial Tissue Ablation Using Radio Frequency Electrosurgery – An Animal Study", 1996 Blackwell Science Ltd., Min Incas Ther & Allied Technol pp. 5, 516.  DATE CONSIDERED  *EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 608. Line through citation if not in conformance and not considered.		*REF. #	PATENT NUMBER	DATE (MO/YR)		COUNTRY		TRANSLATION (YES/NO)	
*B3 PCT/GB94/01536 7/94 PCT  *B4 95/02371 1/95 PCT  *B5 EP 0 667 126 A1 8/95 EPO  *B6 DE 19528440A1 8/95 GERMANY  *B7 GB2311468A 2/97 GREAT BRITAIN  *B8 WO 98/08441 3/98 PCT  *B9 WO 00 16697 3/00 PCT  *C1 Sterotactic Breast Biopsy: Its History, Its Present , and Its Future, F. Burbank, M.D., The American Surgeon, February 1996, Vol. 62, pp. 128-150.  *C2 Percutaneous Biopsy Techniques, Timothy J. Micklos, Manual of Oncologic Therapeutics, (1989/199 pp. 39-42.  *C3 Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, Whitman et al., AJR:171, July 1998, pp. 67-70  Armstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelantins [see comments]", Journal of Clinical Pathology, (1990 July), 43(7) 604-7, XP0009714 abstract, tables 1&2.  *C5 The Loop Electrode: a New Device for US-Guided Interstitial Tissue Ablation Using Radio Frequency Electrosurgery – An Animal Study", 1996 Blackwell Science Ltd., Min Incas Ther & Allied Technol pp. 5, 516.  DATE CONSIDERED  *EXAMINER:  Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered.		*B1	0472368A2	8/91		EPO			
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